

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

No. 03-4526

IN RE: D.K. ACQUISITION PARTNERS, L.P.; FERNWOOD ASSOCIATES, L.P.
AND DEUTSCHE BANK TRUST COMPANY AMERICAS, Petitioners

WRIT OF MANDAMUS

UNITED STATES OF AMERICA, THIRD JUDICIAL CIRCUIT: SS

To the Honorable Alfred M. Wolin, United States District Judge for the District of New Jersey,

GREETINGS:

Whereas the Honorable Alfred M. Wolin on February 2, 2004 denied a motion seeking his recusal in In re W.R Grace, District of Delaware Bankruptcy Number 01-01139; and,

Whereas, D.K. Acquisition Partners, L.P.; Fernwood Associates, L.P. and Deutsche Bank Trust Company Americas filed a Petition for Writ of Mandamus on November 21, 2003, requesting that this Court issue a writ of mandamus directing the said Honorable Alfred M. Wolin, to recuse himself from the matter; and,

Whereas, the respondents, having filed an answers to the petitions, and

Whereas, the within matter was argued by counsel April 19, 2004; and,

Whereas, the Court on this date has entered an Order directing the Clerk of this Court to issue a writ of Mandamus in accordance with its opinion;

Now therefore, the said Honorable Alfred M. Wolin, is hereby REQUIRED and DIRECTED, immediately upon receipt of this WRIT, and without unreasonable delay, to recuse himself from further participation in In re W.R. Grace, District of Delaware Bankruptcy Number 01-01139, and the case is referred to Chief Judge Anthony J. Scirica

of this Court for either appointment or reassignment of In re W.R. Grace to another judge within the Third Circuit pursuant to 28 U.S.C. § 292(b).

For the Court,

/s/ Marcia M. Waldron
Clerk, United States Court of
Appeals for the Third Circuit

DATED: May 17, 2004